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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,062	01/29/2001	Adrian P. Wise	94100414(EP)USC1X1C1D3	8453

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DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
2355 MAIN STREET, SUITE 200  
IRVINE, CA 92614

PD	EXAMINER
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NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/771,062

Applicant(s)

WISE ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1 – 7 are presented for examination.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It is claiming the domestic priority of application 08/382952 filed on 02/01/1995, which is not the same application as mentioned in the disclosure [ Amendment filed on 09/24/2003 which claims priority of application 08/382958 ].

#### ***Response to Arguments***

3. Applicant's arguments filed 03/08/2004 have been fully considered but they are not persuasive.
4. As per remarks, Applicants' argued that (1) Horvath does not disclose receiving "data words".
5. As to point (1), the recited claim 1 discloses receiving sequence of data words of a predetermined width. Horvath discloses divide the image data into 8x8 blocks of image data and

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then sequentially processes each of the blocks [ col 3, lines 58-62 ]. Furthermore, Horvath discloses receiving “data words” [ i.e. control word ] [ col 9, lines 57-62 ].

6. As per remarks, Applicants argued that (2) Horvath et al. does not disclose a method of receiving data word having “different respective formats”.

7. As to point (2), Horvath discloses sequential pipelined processing image compression and decompression techniques [ i.e. MPEG, JPEG ] [ col 1, lines 33-41; and col 10, lines 17-37 ]. Also, Horvath discloses image processing system may be enhanced with the addition of a block 64 that performs motion compensation in accordance with the MPEG [ col 10, lines 20-37 ].

8. As per remarks, Applicants argued that (3) Horvath et al. does not disclose splitting the data words of the received sequence to form new data words f a new sequence.

9. As to point (3), Horvath discloses partitioned an image data stream into blocks of image data, with each having processing control information [ i.e. divide ] [ col 1, lines 37-44; and col 7, lines 63-66 ].

10. As per remarks, Applicants argued that (4) Horvath et al. does not disclose packing the consecutive new data words consecutively in a token buffer of a second width without holes between the packed new data words.

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11. As to point (4), Horvath discloses DCT device produces a scrambled (but consistent) ordering of the output data [ Figure 2; and col 8, lines 6-8 ].

12. As per remarks, Applicants argued that (5) Horvath et al. does not disclose unpacking data words to reproduce the new sequence of data words.

13. As to point (5), the claimed limitation is rejected as mention below. Furthermore, Horvath discloses unpacking data words to reproduce the new sequence of data words [ i.e. decode processing ] [ Figure 2; and col 4, lines 61-col 5, lines 7 ].

14. As per remarks, Applicants argued that (6) Horvath et al. does not disclose a “token” of the present invention is defined in the specification as “interactive interfacing messenger package for control and for data functions”.

15. As to point (6), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “token” is defined as universal adaptation unit in the form of an interactive interfacing messenger package for control and/or data functions) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It would have been more helpful to include the definitions in the claimed language to clarify the invention.

16. As per remarks, Applicants argued that (7) Horvath et al. does not disclose expanding out run length code in the unpacked words.

17. As to point (7), the claimed limitation is rejected as mention below. Furthermore, Horvath discloses expanding out run length code [ i.e. DCT ] [ col 3, lines 63-col 4, lines 12 ].

18. As per remarks, Applicants' argued that (8) Horvath does not disclose data unpacker, data expander nor data padder.

19. As to point (8), it is rejected for same reasons as mentioned below.

20. As per remarks, Applicants argued that (9) Morrison does not disclose data expander expands out run length codes into runs of zero followed by a level in the packed data.

21. As to point (9), the claimed limitation is rejected as mentioned below. Furthermore, Morrison discloses data expander expands out run length codes into runs of zero followed by a level in the packed data [ i.e. different VLC sets are used for different parameters ] [ col 8, lines 19-29 ].

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22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvath et al. [ US Patent No 5450599 ].

24. As per claim 1, Horvath discloses the invention as claimed including a method of storing data, comprising:

receiving a sequence of data words of a first predetermined width [ col 1, lines 15-25 and lines 37-41; and col 9, lines 32-34 ] and different respective format [ col 1, lines 33-37; and col 10, lines 20-37 ];

splitting the data words of the received sequence to form new data words of a new sequence, the new data words having a second predetermined width [ col 6, lines 63-col 7, lines 3; and col 7, lines 62-col 8, lines 2 ];

packing the new data words consecutively in a token buffer of a second width without holes between the new data words [ col 8, lines 3-24 ]; and

unpacking the new data words to reproduce a new sequence of the new data words [ claim 14 ].

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25. As per claim 2, Horvath discloses writing a block of data from the token buffer to a random access memory device configured to store the words of the second width [ col 8, lines 11-14; and col 13, lines 17-18 ].

26. As per claim 3, Horvath discloses expanding out run length code in the new words [ col 6, lines 6-9; and col 7, lines 3-6 ].

27. As per claim 4, Horvath discloses the invention as claimed substantially including an inverse modeler, comprising:

a data unpacker to unpack data words received from an input terminal to a different length format [ col 6, lines 63-col 7, lines 3; and col 7, lines 62-col 8, lines 2 ];

a data expander coupled to the data unpacker [ col 8, lines 3-24 ].

a data padder to pad data tokens received from the data expander [ col 4, lines 10-12 ].

### ***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 5 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvath et al. [ US Patent No 5,450,599 ], in view of Morrison et al. [ US Patent No 4,985,766 ].



30. As per claim 5, Horvath does not specifically disclose the data expander expands out run length codes into runs of zero followed by a level in packed data. Morrison discloses the data expander expands out run length codes into runs of zero followed by a level in packed data [ col 7, lines 40-54 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Horvath and Morrison because Morrison's teaching would the fullness of the output buffer may be used to determine the quantisation factor [ Morrison, col 1, lines 33-44 ].

31. As per claim 6, Morrison discloses the padder pads the last word of expanded tokens [ col 2, lines 32-35; and col 4, lines 13-15 ].

32. As per claim 7, Morrison discloses the data unpacker deletes data between a flush signal and a block end signal [ col 5, lines 1-47 ].

33. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

  
ZARNI MAUNG  
PRIMARY EXAMINER